IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO: 5531 of 2005

Between:

Krushi Vidhya Niketan, Elementary School Committee, Allagadda, Kurnool District rep., by its Secretary, Shaik Jeelani Basha, S/o Abdul Khalaque.

.... PETITIONER

AND

1 The Government of A.P., rep., by its Secretary, Education

Department, Secretariat, Hyderabad, Andhra Pradesh.
2 The Commissioner & Director of School Education of A.P.,

Saifabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly one in the nature of MANDAMUS declaring the Memo No.19347/Trg.2/2005-4 dated 18-02-2005 of the first respondent herein as illegal, arbitrary, discriminatory, violative of Art.14 and 21 of the Constitution of India and consequently by nullifying the same direct the first respondent to issue "No Objection Certificate" for the establishment of Hindi and Urdu Pandit Training Colleges at Allagadda of Kurnool District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: GP FOR EDUCATION

The Court at the stage of admission made the following:

-

-

-

-

-

ORDER:

This writ petition is filed by the petitioner aggrieved by the communication issued by the first respondent dated 18.2.2005, under which, the petitioner was advised to make an application for a new college as and when notification is issued.

2. According to the petitioner, the applicant made applications for grant of `No Objection Certificate' with reference to Hindi Pandit Training Institute and also Urdu Pandit Training College. These applications were made against the Notification issued by the Government. In fact, after considering the applications, the Director of School Education by his proceedings dated 2.1.1998 and 12.11.1997 with reference to Hindi Pandit Training Institute and Urdu Pandit Training College respectively, recommended to the first respondent for passing suitable orders. The first respondent did not pass appropriate orders, and therefore, the petitioner was even constrained to approach this Court by filing W.P.No.23376 of 2003, which was disposed of by order dated 19.2.2004, directing the first respondent to dispose of the petitioner's representations and pass appropriate orders.

3. The first respondent instead of passing appropriate orders on the merits, with reference to the recommendations made by the Director of School Education, issued the impugned communication to the petitioner advising to make application as and when new Notification is issued. Hence, the present writ petition.

4. Heard both sides and considered the material on record.

5. At the time of hearing, petitioner represented that with reference to the applicants,

who were similarly placed as that of the petitioner, who made their applications prior to G.O.Ms.No.398, dated 4.12.1997, the Government passed orders by issuing `No Objection Certificate' by proceedings in G.O.Ms.No.125, dated 17.10.2003 and G.O.Rt.No.1306 dated 14.11.2003 and there are few more cases, where similar orders were passed by the first respondent, granting 'No Objection Certificate'. But, when it comes to the case of the petitioner, the respondents have taken an unfortunate decision advising the petitioner to make a fresh application. Therefore, learned counsel for the petitioner contended that the action of the respondents would even amounts to discrimination, discriminating the petitioner by not granting 'No Objection Certificate' while granting the same in favour of third parties.

6. Learned counsel for the petitioner relied upon a judgment of this Court in W.P.No.9622 of 2002, dated 21.11.2002 in the case of **Vimala Education Society, Kurnool, rep. by A.Sreedhar Vs. Govt. of A.P & Another**, where this Court has directed the respondents to issue No Objection Certificate, after submission of report by the Director of School Education and the orders were directed to be passed within four weeks from the date of receipt of the report from the Director of School Education.

7. As the learned counsel contended that the reports have already been submitted by the Director of School Education in the present case recommending the case of the petitioner for grant of No Objection Certificate as early as on 2.11.1997 and 2.1.1998 with reference to two subjects, Hindi Pandit Training Institute and Urdu Pandit Training College, the first respondent is directed to consider the said recommendation of the Director of School Education and pass appropriate orders on par with the petitioner in W.P.No.9622 of 2002 and also in other cases where No Objection Certificates have already been issued in respect of the applicants, who submitted their applications in the year 1997 prior to G.O.Ms.No.398, dated 4.12.1997. The first respondent is directed to pass appropriate orders, expeditiously, preferably within a period of six weeks from the date of receipt copy of this order.

8. The writ petition is disposed of accordingly. No costs.

S.ANANDA REDDY, J

Dated: 10.6.2005.

RAR

To

1 The Secretary, Education Department,

Government of A.P., Secretariat, Hyderabad, Andhra

Pradesh.

2 The Commissioner & Director of School Education,

Saifabad, A.P., Hyderabad.

3) 1 CC to MR.GIRIMOJI RAO

4) 2 CCs to G.P for School Education, High Court Buildings,

Hyderabad (OUT)

5) 2 CD copies.